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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/590,183 | 08/18/2006 | Lars Ingvarsson | HT-127 | 4031 |
| Mark P Stone 25 Third Street 4 th Floor Stamford, CT 06905 | | | EXAMINER SULLIVAN, DEBRA M | |
| | | | ART UNIT 3725 | PAPER NUMBER |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/590,183

Applicant(s)

INGVARSSON, LARS

Examiner

Debra M. Sullivan

Art Unit

3725

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 July 2008.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
4a) Of the above claim(s) 9-12 and 19 is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-8 and 13-18 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Inventor's Patent Application
6) ☐ Other: _____

DETAILED ACTION

Allowable Subject Matter

The indicated allowability of claims 2-8 and 13-18 is withdrawn in view of the newly discovered reference(s) to Ingvarsson et al and Schule. Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 5 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 5 states that the rollers can be controlled to vary a *gap* between the rollers, however the specification [see page 5 lines 6-8] states that the rollers can be adapted to the profile to adjust their *angles*. One of ordinary skill in the art would not coinsure that varying an angle of the roller would inherently vary a gap between the rollers as well.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(c) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an

international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3 are rejected under 35 U.S.C. 102(e) as being anticipated by Ingvarsson et al (US Patent # 7,107,807). Ingvarsson et al discloses a method for forming, in a production line, profiles (See FIG 3) with a cross-section that varies along the length thereof, said profiles being formed from a plane metal strip (10) that is unwound from a coil (12), said method employing edge cutters (102, 103) and a plurality of roll-forming units (91-98), the edge cutter and the roll-forming units being individually displaceable sideways relative to the strip, the method comprising the steps of controlling the roll-forming units for forming a first corner (27, 28) to each side of the center of the metal strip (10) in a first roll-forming section of the production line and controlling the roll-forming units to form a second corner (bottom corners of walls 25, 26) to each side of the center of the metal strip (10) between the first corners (27, 28) after the first corners have been formed [See col. 2 lines 33-39, col. 5 lines 25-42; FIGS 3, 11 & 12].

In reference to claim 2, Ingvarsson et al further discloses including the step of cutting a transverse slit in the strip (10) before forming the first and second corners, without fully severing the strip (10) and severing the strip with a terminal cutter (63, 64) after the first and second corners are formed to remove a trailing end from the length of the profile formed from the strip (10) [See col. 4 lines 50-65].

In reference to claim 3, Ingvarsson et al further discloses that the length of the profile formed have different widths of extend at opposed ends of the profile, the steps of method including adjusting the width of the strip between one slit that defines the trailing end of the length of the one profile, cutting a further slit to define a leading end of the length of a

subsequent profile and there after cutting the strip (10) at both slits with the terminal cutter (63, 64) [See col. 4 lines 50-65].

The applied reference has a common inventor with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4-8 and 13-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ingvarsson et al in view of Schule (US 2004/0244453). Ingvarsson et al discloses the invention substantially as claimed except for wherein the method further comprises of thinning the profile. However, Schule teaches of a method for bending profiles by squeezing and stretching the material of a section in order to cause the material to bend and allowing the degree of bending to be adjusted quite accurately by varying the amount of force exerted [See paragraph 0009 and lines 11-18 of paragraph 0010]. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to improve the bending steps of Ingvarsson et al by allowing a force on the profile through the use of rollers to thereby thin the material and

cause bending of the material, as taught by Schule, in order to obtain an accurate degree of bending.

Response to Arguments

Applicant's arguments with respect to claims 1-8 and 13-18 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Debra Sullivan whose telephone number is (571) 272-1904. The examiner can normally be reached Monday - Thursday 10am - 8pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dana Ross can be reached at (571) 272-4480. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Debra M Sullivan/
Examiner, Art Unit 3725

/Dana Ross/
Supervisory Patent Examiner, Art Unit 3725